



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT AND PENDING APPLICATION**

Docket Number (Optional)

056209.52219D1

In re Application of: **Shiro YAMAOKA et al**

Application No.: **10/829,375**

Filed: **April 22, 2004**

For: **Control Apparatus and Control Method for Multi-Cylinder Engine**

The owner*, **HITACHI, LTD.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **pending application Serial No. 10/390,771** and/or **prior Patent No. 6,354,264 B1** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** and **pending application** is/are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** and/or any patent issuing from said **pending application** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** and/or any patent issuing from said **pending application** later:

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. **25,406**

Signature

James F. McKeown

Typed or printed name

March 22, 2005

Date

202-624-2675

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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